

STATE OF CALIFORNIA
CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY
STATE WATER RESOURCES CONTROL BOARD

DIVISION OF WATER RIGHTS

PERMIT FOR DIVERSION AND USE OF WATER

AMENDED PERMIT 20808A

Application 27614A of

Monterey Peninsula Water Management District and
California American Water
c/o Monterey Peninsula Water Management District
P.O. Box 85
Monterey, CA 93942-0085

filed on **December 16, 1982**, has been approved by the State Water Resources Control Board (State Water Board, Board or SWRCB) SUBJECT TO PRIOR RIGHTS and to the limitations and conditions of this permit.

Permittees are hereby authorized to divert and use water as follows:

1. Source of water

Source:

(1) Carmel River
(5-32) Carmel River Subterranean Stream

Tributary to:

Pacific Ocean
Pacific Ocean

within the County of **Monterey**.

2. Location of points of diversion, points of injection and points of recovery.

Points of Diversion to Offstream Storage (By California Coordinate System of 1983-Zone 4)	40-acre subdivision of public land survey or projection thereof	Section (Projected)	Township	Range	Base and Meridian
(1) San Clemente Dam: North 2,053,010 feet and East 5,765,040 feet	NW¼ of SW¼	24	17S	2E	MD
(5) Canada Well: North 2,092,010 feet and East 5,715,190 feet	NE¼ of SW¼	17	16S	1E	MD
(6) San Carlos Well: North 2,091,660 feet and East 5,717,990 feet	NE¼ of SE¼	17	16S	1E	MD
(7) Cypress Well: North 2,087,610 feet and East 5,724,640 feet	SW¼ of NW¼	22	16S	1E	MD
(8) Pearce Well: North 2,087,360 feet and East 5,726,140 feet	SE¼ of NW¼	22	16S	1E	MD
(9) Schulte Well: North 2,087,410 feet and East 5,729,240 feet	SW¼ of NW¼	23	16S	1E	MD

(10) Manor #2 Well: North 2,086,460 feet and East 5,731,340 feet	NE¼ of SW¼	23	16S	1E	MD
(11) Begonia #2 Well: North 2,085,510 feet and East 5,734,740 feet	NW¼ of SW¼	24	16S	1E	MD
(12) Berwick #7 Well: North 2,084,460 feet and East 5,735,290 feet	SW¼ of SW¼	24	16S	1E	MD
(13) Berwick #8 Well: North 2,084,510 feet and East 5,736,090 feet	SE¼ of SW¼	24	16S	1E	MD
(15) Scarlett #8 Well: North 2,084,510 feet and East 5,740,590 feet	SW¼ of SW¼	19	16S	2E	MD
(17) Los Laureles #5 Well: North 2,080,310 feet and East 5,748,590 feet	NW¼ of SE¼	29	16S	2E	MD
(18) Los Laureles #6 Well: North 2,079,510 feet and East 5,749,440 feet	SE¼ of SE¼	29	16S	2E	MD
(19) West Garzas #4 Well: North 2,075,260 feet and East 5,752,190 feet	NE¼ of SW¼	33	16S	2E	MD
(20) Garzas Creek #3 Well: North 2,073,610 feet and East 5,753,040 feet	SW¼ of SE¼	33	16S	2E	MD
(21) Panetta #2 Well: North 2,072,110 feet and East 5,754,740 feet	NW¼ of NW¼	3	17S	2E	MD
(22) Panetta #1 Well: North 2,071,960 feet and East 5,754,640 feet	NW¼ of NW¼	3	17S	2E	MD
(23) Robles #3 Well: North 2,067,110 feet and East 5,759,490 feet	NE¼ of NE¼	10	17S	2E	MD
(24) Russell #4 Well: North 2,061,810 feet and East 5,764,040 feet	SW¼ of SE¼	14	17S	2E	MD
(25) Russell #2 Well: North 2,061,410 feet and East 5,764,040 feet	SE¼ of SE¼	14	17S	2E	MD
(26) A Well: North 2,091,070 feet and East 5,706,020 feet	SE ¼ of SE ¼	13	16S	1W	MD
(27) B Well: North 2,091,970 feet and East 5,709,420 feet	NE ¼ of SW ¼	18	16S	1E	MD
(28) C Well: North 2,087,220 feet and East 5,724,470 feet	SW ¼ of NW ¼	22	16S	1E	MD
(29) D Well: North 2,087,370 feet and East 5,729,270 feet	SW ¼ of NW ¼	23	16S	1E	MD

(30) E Well: North 2,084,920 feet and East 5,737,320 feet	SW ¼ of SE ¼	24	16S	1E	MD
(31) F Well: North 2,072,120 feet and East 5,754,670 feet	NW ¼ of NW ¼	3	17S	2E	MD
(32) G Well: North 2,070,270 feet and East 5,755,270 feet	SW ¼ of NW ¼	3	17S	2E	MD

Points of Injection and Recovery (By California Coordinate System of 1983-Zone 4)	40-acre subdivision of public land survey or projection thereof	Section (Projected)	Township	Range	Base and Meridian
ASR-1 Injection & Recovery Well North 2,120,840 feet and East 5,734,970 feet	NE¼ of NE¼	23	15S	1E	MD
ASR-2 Injection & Recovery Well North 2,121,080 feet and East 5,735,250 feet	SE¼ of SE¼	14	15S	1E	MD

3. Purpose of use	4. Place of use	Section (Projected)	Township	Range	Base and Meridian	Acres
Municipal	Within the boundaries of Monterey Peninsula Water Management District					110,000

The points of diversion and place of use are shown on maps dated September 12, 2003 and filed with the State Water Board.

5. The water appropriated shall be limited to the quantity which can be beneficially used and shall not exceed **two thousand four hundred and twenty-six (2,426) acre-feet per annum** to be collected to underground storage in Seaside Groundwater Basin at a maximum instantaneous rate of **six and seven tenths (6.7) cubic feet per second** from **December 1** of each year to **May 31** of the succeeding year.

(0000005H)

6. The amount authorized for appropriation may be reduced in the license if investigation warrants.

(0000006)

7. Permittees' rights under this permit are junior to the rights of persons diverting water for reasonable beneficial use under valid and properly exercised riparian, overlying, and pre- and post-1914 appropriative claims of right which have a priority which is superior to the priority of Application 27614A.

(050T001)

8. Complete application of the water to the authorized use shall be made by December 1, 2020.

(0000009)

9. Progress reports shall be submitted promptly by Permittees when requested by the State Water Board until a license is issued.

(0000010)

10. Permittees shall allow representatives of the State Water Board and other parties, as may be authorized from time to time by said State Water Board, reasonable access to project works to determine compliance with the terms of this permit.

(0000011)

11. Pursuant to California Water Code sections 100 and 275, and the common law public trust doctrine, all rights and privileges under this permit and under any license issued pursuant thereto, including method of diversion, method of use, and quantity of water diverted, are subject to the continuing authority of the State Water Board in accordance with law and in the interest of the public welfare to protect public trust uses and to prevent waste, unreasonable use, unreasonable method of use, or unreasonable method of diversion of said water.

The continuing authority of the State Water Board may be exercised by imposing specific requirements over and above those contained in this permit with a view to eliminating waste of water and to meeting the reasonable water requirements of Permittees without unreasonable draft on the source. Permittees may be required to implement a water conservation plan, features of which may include but not necessarily be limited to (1) reusing or reclaiming the water allocated; (2) using water reclaimed by another entity instead of all or part of the water allocated; (3) restricting diversions so as to eliminate agricultural tailwater or to reduce return flow; (4) suppressing evaporation losses from water surfaces; (5) controlling phreatophytic growth; and (6) installing, maintaining, and operating efficient water measuring devices to assure compliance with the quantity limitations of this permit and to determine accurately water use as against reasonable water requirements for the authorized project. No action will be taken pursuant to this paragraph unless the State Water Board determines, after notice to affected parties and opportunity for hearing, that such specific requirements are physically and financially feasible and are appropriate to the particular situation.

The continuing authority of the State Water Board also may be exercised by imposing further limitations on the diversion and use of water by the Permittees in order to protect public trust uses. No action will be taken pursuant to this paragraph unless the State Water Board determines, after notice to affected parties and opportunity for hearing, that such action is consistent with California Constitution Article X, Section 2; is consistent with the public interest; and is necessary to preserve or restore the uses protected by the public trust.

(0000012)

12. The quantity of water diverted under this permit and under any license issued pursuant thereto is subject to modification by the State Water Board if, after notice to the Permittees and an opportunity for hearing, the State Water Board finds that such modification is necessary to meet water quality objectives in water quality control plans which have been or hereafter may be established or modified pursuant to Division 7 of the Water Code. No action will be taken pursuant to this paragraph unless the State Water Board finds that (1) adequate waste discharge requirements have been prescribed and are in effect with respect to all waste discharges which have any substantial effect upon water quality in the area involved, and (2) the water quality objectives cannot be achieved solely through the control of waste discharges.

(0000013)

13. This permit does not authorize any act that results in the taking of a threatened or endangered species or any act that is now prohibited, or becomes prohibited in the future, under either the California Endangered Species Act (Fish & G. Code, §§ 2050 - 2097) or the federal Endangered Species Act (16 U.S.C.A. §§ 1531 - 1544). If a "take" will result from any act authorized under this water right, the Permittees shall obtain authorization for an incidental take prior to construction or operation of the project. Permittees shall be responsible for meeting all requirements of the applicable Endangered Species Act for the project authorized under this permit.

(0000014)

14. Permittees shall maintain records of the amount of water diverted and used to enable the State Water Board to determine the amount of water that has been applied to beneficial use pursuant to Water Code Section 1605.
(0000015)
15. This permit shall not be construed as conferring upon the Permittees right of access to the points of diversion.
(0000022)
16. Permittees shall consult with the Division of Water Rights and, within one year from the date of this permit, shall submit to the State Water Board their Urban Water Management Plan as prepared and adopted in conformance with Section 10610, et seq. of the California Water Code, supplemented by any additional information that may be required by the Board.

All cost-effective measures identified in the Urban Water Management Plan and any supplements thereto shall be implemented in accordance with the schedule for implementation found therein.

(0000029A)

17. If it is determined after permit issuance that the as-built conditions of the project are not correctly represented by the map(s) prepared to accompany the application, Permittees shall, at their expense, have the subject map(s) updated or replaced with equivalent as-built maps(s). Said revision(s) or new map(s) shall be prepared by a civil engineer or land surveyor registered or licensed in the State of California and shall meet the requirements prescribed in section 715 and sections 717 through 723 of the California Code of Regulations, Title 23. Said revision(s) or map(s) shall be furnished upon request of the Chief, Division of Water Rights.
(0000030)
18. Permittees shall (1) install devices to measure the instantaneous rate and cumulative quantity of water diverted from the Carmel River and placed into underground storage and (2) install devices to measure the cumulative quantity of Carmel River water recovered from underground storage and placed to beneficial use. All measuring devices and the method of determining the quantity of water recovered from underground storage shall be approved by the State Water Board. All measuring devices shall be properly maintained.
(0060900) (0080900)
19. Permittees shall install, calibrate and maintain continuous flow measurement devices, satisfactory to the State Water Board, at the following locations in the Carmel River:

- a. Carmel River at the Highway 1 Bridge (River Mile (RM) 1.1)
- b. USGS Carmel River Near Carmel Gage (USGS 11143250; RM 3.2), maintained by USGS
- c. Carmel River at Sleepy Hollow Weir (RM 17.6)

If any measuring device is rendered inoperative for any reason, all diversions under this permit shall cease until such time as the device is restored to service.

In the event that the streamflow gage maintained by USGS is no longer available for streamflow measurements, Permittees (or successors-in-interest) are responsible for installing and maintaining an equivalent gage, satisfactory to the Chief, Division of Water Rights, as near as practicable to the present location of USGS near Carmel Gage. In the absence of such equivalent gage, all diversions must cease. These requirements shall remain in force as long as water is diverted by Permittees (or successors-in-interest) under any permit or license issued pursuant to Application 27614A.

(0060062BP) (0000204)

20. Within six months of the issuance of this permit, the Permittees shall submit a Compliance Plan for approval by the Chief of the Division of Water Rights that will demonstrate compliance with the flow bypass terms specified in this permit. The Compliance Plan shall include the following:
- A description of the gages and monitoring devices that have been or will be installed to measure streamflow and diversion to underground storage.
 - A time schedule for the installation of these facilities.
 - A description of the frequency of data collection and the methods for recording diversions, bypass flows and storage levels.
 - An operation and maintenance plan that will be used to maintain gages and monitoring devices in good condition.

The Permittees shall be responsible for all costs associated with developing the Compliance Plan, and installing and maintaining all monitoring facilities described in the Compliance Plan.

The monitoring data shall be maintained by the Permittees for ten years from the date of collection and made available to the Chief of the Division of Water Rights upon request. Any non-compliance with the terms of the permit shall be reported by the Permittees promptly to the Chief of the Division of Water Rights.

(0000070)

21. The priority of this permit shall be junior to any permit issued on the applications set forth in Table 13 of Decision 1632 or for the persons named in Table 13 of Decision 1632 for an amount of water not to exceed the quantity set forth in the column titled "*Quantity Reserved by SWRCB For Future Appropriations*", or as modified in accordance with the procedures set forth in Decision 1632, Permit Condition 10.

(0500800)

22. Permittees shall implement the Riparian Corridor Management Program outlined in the Monterey Peninsula Water Management District's November 1990 Water Allocation Mitigation Program until Application 27614A is licensed. Survey data and analysis of results shall be submitted annually to the California Department of Fish and Game for review and comment.

(0490500)

23. For the protection of fisheries, wildlife, and other instream uses in the Carmel River, diversions under this permit shall be subject to maintenance of minimum mean daily instream flows, as agreed upon by the Permittees and the California Department of Fish and Game and National Marine Fisheries Service and stated in the document entitled, "Proposed Changes to Current Permit Conditions". Minimum mean daily instream flows are specified in Table A, required Ramp-Down flows are specified in Table B, and water year types for use with Tables A and B are specified in Table C. No water shall be diverted under this permit if the instream flows determined using Tables A, B and C are or would be reduced by such diversion below the designated rates. To ensure compliance with these conditions, by September 30 of each year, Permittees shall file a report with the Chief, Division of Water Rights, California Department of Fish and Game and National Marine Fisheries Service containing the following information:

- Dates during the previous period of December 1 to May 31 of the succeeding year when water was diverted under this permit; and
- Mean daily flows recorded at the three monitoring locations specified in Condition 20 during the same period.

Water year types defined in Table C, Carmel River Water Supply Index, may be amended from time to time to include the most recent available hydrologic data. For the purpose of amending water year types in Table C, Permittees shall submit to the Chief, Division of Water Rights, a request to approve revisions to criteria to define normal or better, below normal, dry and critically dry year types.

(0400500)

- [illegible]

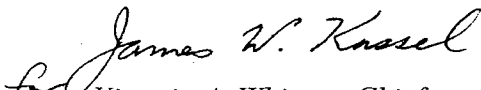
This permit is issued and Permittees take it subject to the following provisions of the Water Code:

Section 1390. A permit shall be effective for such time as the water actually appropriated under it is used for a useful and beneficial purpose in conformity with this division (of the Water Code), but no longer.

Section 1391. Every permit shall include the enumeration of conditions therein which in substance shall include all of the provisions of this article and the statement that any appropriator of water to whom a permit is issued takes it subject to the conditions therein expressed.

Section 1392. Every permittee, if he accepts a permit, does so under the conditions precedent that no value whatsoever in excess of the actual amount paid to the State therefore shall at any time be assigned to or claimed for any permit granted or issued under the provisions of this division (of the Water Code), or for any rights granted or acquired under the provisions of this division (of the Water Code), in respect to the regulation by any competent public authority of the services or the price of the services to be rendered by any permittee or by the holder of any rights granted or acquired under the provisions of this division (of the Water Code) or in respect to any valuation for purposes of sale to or purchase, whether through condemnation proceedings or otherwise, by the State or any city, city and county, municipal water district, irrigation district, lighting district, or any political subdivision of the State, of the rights and property of any permittee, or the possessor of any rights granted, issued, or acquired under the provisions of this division (of the Water Code).

STATE WATER RESOURCES CONTROL BOARD


Victoria A. Whitney, Chief
Division of Water Rights

Date: **NOV 30 2007**

TABLE A
MINIMUM MEAN DAILY INSTREAM FLOW REQUIREMENTS (see Condition 23)

Fall December 1- December 15	Winter December 16-April 15	Spring April 16-May 31
<p><u>All Water Year Types¹</u></p> <p>May divert with minimum bypass of 40 cfs at the Highway 1 gage.</p>	<p><u>Normal or Better and Below Normal Water Years¹</u></p> <p>For Normal or Better and Below Normal Water Years, an Attraction Day is defined as: Estimated unimpaired flow² at the Highway 1 gage of 200 cfs or greater.</p> <p>Prior to First Attraction Day: Continue December 1-15 bypass flows.</p> <p>During Attraction Day(s): Bypass sufficient flow to maintain 200 cfs at the Highway 1 gage.</p> <p>Following Attraction Day(s): Ramp down bypass flows as indicated on Table B. Following the ramp-down period, bypass 90 cfs throughout the reach³ between the Sleepy Hollow Weir gage and the USGS Near Carmel gage, and 60 cfs throughout the reach³ between the USGS Near Carmel gage and the Highway 1 gage.</p> <p><u>Dry and Critically Dry Water Years¹</u></p> <p>For Dry and Critically Dry Water Years, an Attraction Day is defined as: Estimated unimpaired flow² at the Highway 1 gage of 200 cfs or greater in January, 100 cfs or greater in February, and 75 cfs or greater in March.</p> <p>Prior to First Attraction Day: Continue December 1-15 bypass flows.</p> <p>During Attraction Day(s): Bypass sufficient flow to maintain 150 cfs at the Highway 1 gage.</p> <p>Following Attraction Day(s): Ramp down bypass flows as indicated on Table B. Following the ramp-down period, bypass the same as for wet, normal, and below normal water years.</p>	<p><u>All Water Year Types¹</u></p> <p>Bypass 80 cfs throughout the reach³ between Sleepy Hollow Weir gage and the Highway 1 gage.</p>

¹ Water Year types are as specified in Table C.

² For purposes of Table A, "estimated unimpaired flow" shall be defined as the measured mean daily flow at the specified gage plus the mean daily diversion by California American Water from the Carmel River and underlying alluvial aquifer upstream of that gage during the preceding five days.

³ Maintaining the specified flow at both the upper and lower gage associated with the specified reach is sufficient evidence that the rate is maintained throughout the entire reach. In the case of bypass flow required throughout the reach between the Sleepy Hollow Weir and Highway 1 gages from April 16 to May 31, the required bypass flow must also be maintained at the USGS near Carmel gage.

TABLE B Carmel River Bypass Flows - "Ramp-Down" Flows				
Minimum Mean Daily Instream Flows Following an Attraction Day or Days (All Values in Cubic Feet Per Second)				
Between MPWMD Sleepy Hollow Gage and USGS Near Carmel Gage			Between USGS Near Carmel Gage and MPWMD Highway 1 Gage	
Days	Normal or Better and Below Normal Water Years	Dry and Critically Dry Water Years	Normal or Better and Below Normal Water Years	Dry and Critically Dry Water Years
0	200	150	200	150
1	175	125	175	125
2	150	100	150	100
3	125	90	125	80
4	90	90	100	60
5	90	90	80	60
6	90	90	60	60

Source: *Instream Flow Needs for Steelhead in the Carmel River, Bypass Flow Recommendations for Water Supply Projects Using Carmel River Waters*, National Marine Fisheries Service, Southwest Region - Santa Rosa Field Office, June 3, 2002, page 15.

Note: "Day 0" refers to an Attraction Day or Days. "Day 1" refers to the first day after an Attraction Day or Days. See Table A for the definition of an Attraction Day.

TABLE C
Carmel River Water Supply Index

Cumulative Unimpaired Carmel River Flow at the Sleepy Hollow Weir Site in Acre-Feet				
Water Year Type				
Period	Normal or Better	Below Normal	Dry	Critically-Dry
Oct	> 300	300 - 100	99 - 1	0
Oct - Nov	> 1,000	1,000 - 500	499 - 300	< 300
Oct - Dec	> 4,000	4,000 - 1,700	1,699 - 1,200	< 1,200
Oct - Jan	> 11,700	11,700 - 5,700	5,699 - 3,200	< 3,200
Oct - Feb	> 28,800	28,800 - 11,800	11,799 - 7,300	< 7,300
Oct - Mar	> 40,600	40,600 - 21,300	21,299 - 10,700	< 10,700
Oct - Apr	> 47,600	47,600 - 24,300	24,299 - 13,200	< 13,200
Oct - May	> 49,500	49,500 - 26,000	25,999 - 13,900	< 13,900
Oct - Jun	> 49,900	49,900 - 26,800	26,799 - 14,600	< 14,600
Oct - Jul	> 50,000	50,000 - 27,200	27,199 - 14,700	< 14,700
Oct - Aug	> 50,300	50,300 - 27,300	27,299 - 14,800	< 14,800
Oct - Sep	> 50,700	50,700 - 27,400	27,399 - 14,900	< 14,900

Expected Unimpaired Carmel River Flow at the Sleepy Hollow Weir Site in Acre-Feet				
Assuming 75% Reliability				
Water Year Type				
Period	Normal or Better	Below Normal	Dry	Critically-Dry
Nov - Sep	50,400	34,000	25,000	21,000
Dec - Sep	43,000	27,000	17,500	14,900
Jan - Sep	36,000	22,300	12,200	10,000
Feb - Sep	29,000	17,300	9,000	7,000
Mar - Sep	21,500	11,275	6,000	3,400
Apr - Sep	13,000	5,850	3,250	1,575
May - Sep	5,000	2,500	1,425	800
Jun - Sep	2,000	900	625	400
Jul - Sep	600	300	300	300
Aug - Sep	200	200	200	200
Sep	100	100	100	100

Notes:

1. "Cumulative" and "Expected" water year types are derived from the daily unimpaired flow record at the Sleepy Hollow Weir site simulated by the Monterey Peninsula Water Management District for Water Years 1902 through 1996.
2. Water Year types are based on selected exceedance frequencies. "Normal or Better" refers to flows that are equaled or exceeded 50% of the time. "Below Normal" refers to flows that are exceeded between 50% and 75% of the time. "Dry" refers to flows that are exceeded between 75% and 87.5% of the time. "Critically Dry" refers to flows that are exceeded 87.5% of the time.
3. The Water Supply Index shall incorporate a daily timestep so that it can be updated on a daily basis.